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| COURT OF APPEALS DIVISION TWO OF THE STATE OF WASHINGTON | |
| STATE OF WASHINGTON, <div style="text-align: right;">Plaintiff,</div> vs. ARTURO SPENCER MARTIN <div style="text-align: right;">Defendant.</div> | <div style="text-align: center;">No. 47781-5-11</div> <div style="text-align: center;"> STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW </div> |

FILED
 COURT OF APPEALS
 DIVISION II
 2016 JAN 15 PM 12:19
 STATE OF WASHINGTON
 BY  DEPUTY

I, **ARTURO SPENCER MARTIN**, have received and review the opening brief prepared by my attorney. Summarized below are the additional ground(s) for review that are not address in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Summary of Additional Ground I

By and through the record, it is evidence that the Defendant did not enjoy “Conflict Free Counsel” with his trial counsel. The lower court failed and/or refused to review whether conflict existed upon the defendant’s open court statements. The conflict in question must be determined whether said conflict aggravated defendant’s assertion that he was prejudiced by Ineffective Assistance of Counsel.

Summary of Additional Ground II

The Defendant was extradited to Washington from Wyoming. In the defendant’s request for final disposition under the guidelines of the Interstate Agreement on Detainers, the Defendant fully complied with all provisions therein. The State and by and through the defendant’s “state appointed” defense counsel, violated the provisions of time limitations repeatedly by more than doubling the time in extensions against the open court objections of the defendant and defendant’s refusal to sign the waiver form for said time extensions.

Support for the grounds follow in the following pages.

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QUESTIONS PRESENTED

1. Did the Superior Court violate the time limitations pursuant to the provisions in the Interstate Agreement on Detainers?
2. Under the two prong test, was each continuance Necessary and Reasonable?
3. Did the Court err in failing to determine whether defendant had “conflict-free” counsel and whether
4. Was Attorney for the Defense Ineffective in protecting the contested rights of the defendant?
5. Did Defendant assert his objections and desire not to waive his rights of speedy trial under the provisions of I.A.D. in open court?

STATEMENT OF FACTS

On February 24, **Pierce** County, Washington issued a Bench Warrant against Martin for Assault in the 2nd Degree. On February 24, 2012, a Bench Warrant was issued for the defendant, Arturo Martin and the State of Washington lodged a detainer with the Wyoming Department of Corrections for the charge of Assault in the Second Degree in violation of 9A.36.021(1)(a). Arturo Martin was serving a sentencing in Wyoming State Penitentiary for Domestic Violation and three to five years incarceration.

On **January 6, 2014**, Martin, while incarcerated in Wyoming, received notice of both the indictment from Pierce County and a resulting detainer lodged against him by the State of Washington. The State provided this notice to Martin in accordance with the requirements of the Interstate Agreement on Detainers ["IAD"], enacted into law by Washington Revised Code 9.100 and also Wyoming Revised Statutes § 7-15-101. Martin notified the appropriate Wyoming authorities with his request for final disposition of the pending Washington charges pursuant to IAD. On January 13, 2014, the prosecutor's office in Washington received the request pursuant to the Interstate Agreement on Detainers (I.A.D.) final disposition filed by Martin currently incarcerated in the Wyoming Medium Correctional Institution in Torrington, Wyoming. With the calculation of the (180) days to the time limit, the deadline is **July 12, 2014 [Deadline]** to reach final disposition pursuant to the provisions of IAD.

On February 14, 2014, Stephen Penner, Assistant Chief, Criminal Division, contacted Danielle Hedblum, Agreement Administrator DOC to begin the IAD process. Due to Washington's lack of communication and timely follow-up procedure, Washington delayed the request for temporary custody to the officials in Wyoming.

Washington authorities transferred Martin to Washington on **May 6, 2014** after 113 days had elapsed leaving only sixty-seven (67) days until deadline.. The court held Martin's arraignment on **May 7, 2014** and appointed counsel to represent Martin. The Superior Court also issued the following Scheduling Order: Pre-Trial Conference, May 27, 2014, Omnibus Hearing, June 12, 2014, and Jury Trial, June 30, 2014. Neither counsel nor Martin objected to the dates set at this time nor during the days remaining under the 180-day time limit contained in Article III(c) of the IAD.

Of noteworthy mention, the same state form counts the age of this case as 36 days. This inaccurate case age is calculated on the date Martin came into Washington's custody on May 6, 2014, however, relevant to this case is the accounting from February 13, 2014, when formal notice of the IAD request was received. Accurate calculation between February 13, 2014 and June 12, 2014, totals 150 days and (30) days remaining until deadline.

To evaluate a speedy-trial claim, a court must balance four factors: (1) the length of the delay, (2) the reason for the delay, (3) whether and how the defendant asserted his speedy-trial right, and (4) whether the defendant suffered prejudice as a result of the delay. Barker, 407 U.S. at 530-31; accord Doggett v. United States, 505 U.S. 647, 651, 112 S. Ct. 2686, 2690, 120 L. Ed. 2d 520 (1992). No single factor is controlling or necessary; rather, the factors "must be considered together with such other circumstances as may be relevant." Barker, 407 U.S. at 533.

On June 12, 2014, counsel for defense requested extension of time stating that he needed "Additional time needed to investigate and prepared. State just received certs on defendants priors." The defendant objected and refused to sign the consent form for the extension. By Defendant's objection to the continuance and refusal to sign the consent form, Defendant clearly demonstrated that he did not wish to waive the 180-day limitation. The Court granted an additional **80** days continuance and took note of defendant's open court objection and refusal to sign the consent form, and reset the trial date for September 18, 2014. This extension of time sets the new trial date 68 days past the deadline and in violation of IAD provisions. The Interstate Agreement on Detainers Act sets forth five distinct requirements for obtaining a continuance. **First**, the court must have competent jurisdiction. **Second**, the grant of the continuance must be in open court. **Third**, the defendant and/or his attorney must be present. **Fourth**, the movant must demonstrate good cause in open court, and **finally**, the length of the continuance must be reasonable or necessary. Compliance with the first requirement is a question of law, which the court reviews de novo. The second and third requirements present questions of fact, and the court will reverse the district court's findings thereon only if those findings are clearly erroneous. Conformance with the fourth and fifth requirements is a mixed question of law and fact which, again, the court reviews de novo.

The June 12, 2014, continuance granting an 80-day extension of time is nearly half the original time of the IAD deadline limit – 44.44% added on. The court must ask whether an additional 44% is necessary and reasonable. Defendant states that it is not with effective assistance of counsel. Once more, the trial court makes no attempt to keep it as close to the trial date deadline as possible as this first of many extensions brings the date to 68 days outside the IAD deadline. The court erred in its failure to uphold the "necessary and reasonable" elements.

It should further be noted that the author who completed the "Order Continuing Trial" form falsely and/or inaccurately stated, "This motion for continuance is brought by defendant upon agreement of the parties pursuant to CrR 3.3(f)(1) or..." Martin did not consent.

This new date exceeds the IAD Deadline by sixty-eight days and Defendant would have been in Washington Custody for 135 days without trial commencing within the required 120-day limit, an additional violation of IAD. **Article IV(c)** of Interstate Agreement on Detainers requires commencement of trial within 120 days of prisoner's arrival in receiving state whenever receiving state initiates disposition of charges underlying detainer it has previously lodged against prisoner, including, in case of federal government, initiation of proceedings by use of writ of habeas corpus ad prosequendum to secure custody of state prisoner against whom detainer was previously filed; federal indictment must be dismissed where after United States filed detainer with state prison authorities, after prisoner requested speedy trial on federal charge,

and after prisoner was produced for arraignment before Federal District Court pursuant to writ of habeas corpus ad prosequendum issued by District Court, federal trial was postponed on several occasions, either at government's request or on court's own initiative, until approximately 17 months after prisoner's arraignment. *United States v Mauro* (1978) 436 US 340, 56 L Ed 2d 329, 98 S Ct 1834. In another case, "Article IV requires commencement of trial of prisoner against whom detainer has been lodged within 120 days of arrival of prisoner in receiving state and, in any event, before prisoner is returned to sending state; remedy for failure timely to bring prisoner to trial is that indictments, informations or complaints must be dismissed with prejudice. *Commonwealth v Merlo* (1976) 242 Pa Super 517, 364 A2d 391"

On September 3, 2014, defense counsel again made motion to the court for an extension of time stating, "Additional time needed to prepare & investigate, three strikes allegation, state & defense seeking certified copies of prior convictions." It should be noted that defense counsel on June 12, 2014, had already stated that the "state just received certs on defendants priors." The Court rescheduled the trial date to January 29, 2015, an additional one-hundred and thirty-three (133) day-extension which is 201 days beyond the 180-day deadline. Considering that the defense counsel states he and the state are waiting for certified copies which he had previously admitted the state had already received, the continuance is not only unnecessary but is absolutely unreasonable in its length of 133 days when originally the Court had 180 days to reach final disposition.

Defense counsel also states that he needed time to research three-strikes allegation which the state flip-flopped whether they had grounds to pursue the habitual act or not. In the end, they violated the Defendant's IAD speedy-trial rights to buy time for additional charges of three-strikes allegation which ultimately they did not accomplish. It is also the prosecution's decision to add charges over those stated in the detainer, something they should have prepared for prior to extraditing the Defendant. The state prosecutor's office was not diligent in its preparation when it filed the detainer, nor was it efficient with its follow up which delayed the extradition to begin with. These are not errors by the Defendant.

On the day trial, January 29, 2015, the Court, with the Honorable Jerry T. Costello presiding, heard the Defendant's Motion to Proceed Pro Se. After thoroughly questioning Defendant, the Court granted Martin Pro Se Status while at the same time, and once more against Martin's objections, Grants defense counsel's motion for an extension of time with the cause shown as: "Additional time needed to prepare, defense interview with alleged victim scheduled for 2/2/2015 in Burlington, WA." Trial date despite objection by defendant is reset for February 19, 2015, 402 days since notification, and (222) days over violation. To Defendant's knowledge, this interview never took place prior to trial.

On this continuance, the State's form calculates the case age at 923 days (2.53 years old). This inaccurate case age is calculated on the date the Court issued a BENCH WARRANT on February 24, 2012; however, relevant to this case is the accounting from February 13, 2014, when formal notice of the IAD request was received. Through all facets, the state and its agencies have demonstrated inconsistencies and lack of effectiveness.

Defendant, as in all times previous, refused to sign the consent form to waive his Constitutional Rights, and with the Court's full knowledge of such. The Court granted defense counsel's request, granting twenty-one (21) additional days while resetting the trial date to February 19, 2015, 222 days over the 180-day deadline.

On February 12, 2015, Defendant submitted to trial court a hand-written Motion to Dismiss

based on violations of the interstate agreement on detainers. In this, he stated:

<<page 1 of 1>>There are several steps in the process to trigger a defendant rights under the interstate agreement on detainers (IAD). First the receiving state lodges a detainer against the defendant in the foreign sending state. Wash. Rev. Code § 9-100-010. Art. III(a) of the IAD. The penal officials in the sending state must inform the defendant of the detainer against him and inform him of his rights to request final disposition of those charges I the receiving state under the IAD Wash. Rev. Code § 9-100-010 (Art III(c) of IAD. Finally, upon notice of the detainer, the defendant himself must invoke his IAD rights by causing the appropriate request to be delivered to the court, and prosecutor of the county where the receiving state charges are pending. Wash. Rev. Code § 9-100-010 (Art. III(b) of IAD. From the time the prosecutor receives that request, the prosecutor office then has 180 days to bring the defendant to trial in the receiving state. Rights under 3.3(b) State vs. Welker 157 Wn.2d 557 Aug 17, 2006. A prosecutor has a duty of good faith and due diligence to utilize the interstate agreement on detainers when he knows in whose custody an incarcerated defendant is held.

<<page 1 of 2>> State vs. Anderson. The interstate agreement on detainers (RCW 9.100) should be utilized for filing detainers so that the defendant may avail themselves of demand for speedy trial: failure of the state to do this results in inapplicability of the exclusion from computation of the speedy trial period under subdivision former (g)(6) and possible dismissal with prejudice under former (1) State vs. Anderson 121 Wn.2d 852, 855 P.2d 671 (1993).

The Interstate Agreement on Detainers (IAD) establishes a statutory scheme where by IAD signatories: including Washington and Oregon, are required to resolve within 180 days outstanding charges against out-of-state prisoners and detainers base on untried indictments, information, or complaints. Wash. Rev. Code 9.100.010. Not only does the Anderson decision require prosecutors to exercise good faith and clued diligence in utilizing the IAD, its also repeatedly indicates that a prosecutors mere knowledge of an incarcerated defendant whereabouts prompts the good faith and due diligence duty to file a detainer. Anderson stands for the proposition that a defendant need not request disposition under the IAD in order to trigger a prosecutor's implied duty of good faith and due diligence. Instead, the prosecutor duty is triggered when he has actual knowledge of an incarcerated defendant's whereabouts in a foreign penal institution.

<<page 1 of 3>>Not withstanding CrR3.3(e)(6), which excludes form a time-for-trial calculation under CrR 3.3. Time defendant spent incarcerated in another state or in the federal system. The state violation of the interstate agreement on detainers (chapter) 9.100 RCW) may mean that the period of time the defendant was incarcerated in the foreign jurisdiction is included in the time calculation, which may result in a violation of the defendant's speedy trial rights under CrR 3.3(b). Armstrong v. Monzo, 380 U.S. 545, 552, 14 L.Ed.2d 62, 85 S.Ct. 1187 State's due process requires as general matter opportunity to be heard at a meaningful time and in a meaningful manner. Citizens must be afforded due process before deprivation of life, liberty, or property.

<<page 1 of 4>>Your honor. The interstate agreement on detainers speedy trial rights violation has been violated, because the prosecutor did not exercise good faith and due diligence on utilizing the IAD in the guidelines of the law, in order for me to have a fair trial within the 180 days time limit. Your honor, I ask for mercy on the Court in all fairness that all charges on Case No: 12-1-00649-2 The assault in the Second degree, Harassment DV, and

Interfering with the reporting of domestic violence e dismissed with prejudice under the Interstate Agreement on Detainer's Speedy Rights violation under CrR 3.3 State vs. Anderson 121 Wn.2d 852, 855 P.2d. 671 (1993) and Washington Rev. Code. 9-100-010 (Art III(a) of IAD and (b)(c) and CrR 3.3(e)(6) and see: Armstrong vs. Monzo, 380 U.S. 545, 552, 14 L.Ed.2d 62, 85 S.Ct. 1187 and State vs. Welker, 157 Wn.2d 557 Aug 17, 2006 and U.S. vs. Marvro, 436 U.S. 340, 56 L.Ed.2d 329, 98 S.Ct. 1934 and the 6th Amendment"

In this instrument, the Defendant has demonstrated the violation of time limits based on recent case law wherein the Court and Prosecutor's office were both informed in writing pursuant to the provisions of IAD through Wyoming Officials. This above motion to dismiss was held without being heard by the court.

February 12, 2015, Deputy Prosecuting Attorney Susan Kavanaugh requested a Motion for Extension of Time before the Honorable Judge _____, since Judge Costello was unavailable. Kavanaugh requested an extension of time with the cause shown as: "State has filed a mtn for the court to supplement the record regarding the defendant's pro se status. Judge Costello was the Judge & left on vac until 2/20/2015." In open court, before Judge _____ Kavanaugh stated that Defendant had not been granted *pro se* status by Judge Costello when in fact he had. See: Verbatim Transcript of Proceedings, January 29, 2015, pg. 17, n 1-2 and nn 20-22. The trial date was reset to February 26, 2015, 229 days beyond deadline. In open court, Kavanaugh stated that the Defendant had not been granted *pro se* status when clearly that was untrue. This Defendant is without paperwork to determine the request dates of the following extensions of time granted to the prosecuting attorney. Two extensions were granted, placing the trial date 42 days later on April 9, 2015, a full 271 days beyond the IAD deadline. One last extension was granted for 13 days to April 22, 2015, 284 days beyond the deadline. Defendant was sentenced on June 26, 2015.

In light of Martin's verbal objections in open court and refusal to sign consent for any continuance, Martin has well established his desire to preserves his rights under IAD's time limitation provisions.

The United States Supreme Court determined "that the speedy trial rights in the IAD can be waived. Since it is fundamental that litigants can neither stipulate to, nor waive jurisdiction, this holding by the Supreme Court eliminates any jurisdictional prong in the IAD." *Caniff v. Moore*, 269 F.3d 1245, 1247 (11th 2001) (citing *New York v. Hill*, 528 U.S. 110, 120 S. Ct. 659, 145 L. Ed. 2d 560 (2000)). Claims arising under the Interstate Agreement on Detainers are therefore subject to preclusion from federal review by the doctrine of procedural default. *Caniff, supra*; *Toole v. McDonough*, 379 Fed.Appx. 883, 886 (11th Cir. 2010) (holding this court correctly determined Defendant's habeas challenge to the State's violation of the Interstate Agreement on Detainers Act by not trying him within the 180-day applicable deadline was procedurally defaulted). It is undisputed Reese did not raise his claims in the trial court prior to expiration of the time limits contained in the Interstate Agreement on Detainers Act. Under applicable state law, this failure constituted a waiver of these claims. *Craig*, 893 So.2d at 1254 ("Because [the defendant] had the opportunity to do so but chose not to object to the trial date at the time it was set or during the remaining days under the 180-day time limit, that is, because he failed to timely object to the ... court's setting the case for trial ... beyond the 180-day period mandated by the UMDDA, he has waived this issue."); *Glover*, 599 So.2d at 81-82 (Court set trial date outside the 180-day time

limit but defendant/appellant did not object to the date at this time nor during the days remaining under the 180-day time limit. "Because appellant failed to timely object to the trial court's ordering ... continuances and setting the case for trial beyond the 180-day period, ... the appellant has waived this issue."). The Alabama Court of Criminal Appeals relied on this waiver as a basis for its decision affirming Reese's convictions on direct appeal. The IAD challenge pending before this court is therefore precluded from federal review due to Reese's procedural default.

In this case at bar, it is clear that Defendant Martin did in fact object to any extension of time and refused each time to sign the consent for, therefore Defendant is not precluded from federal review due to procedural default.

Holding these same "distinct requirements" the next continuance is granted for 133 days. The two combined continuances has become more than double the allotted time to reach final disposition. Not only is it not "reasonable", defense counsel claims to he is awaiting certified copies of the Defendant's previous convictions when he clearly stated in the first cause shown for the continuance that the "state just received certs on defendants priors." A continuance is clearly unnecessary since he seeks what he had already stated the state has received. Again, the Defendant asserted his rights by objection and refused to sign the consent form for continuance. Defendant's refusal is part of the record in open court and the Court being fully advised, failed to consider Defendant's rights.

The Court also failed to review the client/defendant relationship and determine whether the Defendant had conflict-free counsel. It is clear in the transcripts that substantial conflict did exist, as is later demonstrated when Defendant feels he is forced to represent himself *pro se*.

Constant and deliberate delay by defense counsel and counsel for the state, having filed under habitual criminal act only after Martin's first refusal to sign a waiver for continuance has prejudiced the defendant. The excessive delays and open perjury by defendant and state counsel is additional prejudice as well as a matter of ineffective assistance of counsel which demands review *de novo*. Both counsel showed indifference to Martin's demand to protect his rights and abused their authority and discretion by delaying jury trial for 349+ days beyond the 180 day limit.

The United States Supreme Court has summarized the relevant provisions of the Alabama statute codifying the agreement on detainers as follows:

On February 12, 2015, Martin, *pro se*, filed a motion to dismiss the indictment for the State's failure to bring him to trial "within the 180 days of his demand" for final disposition of the pending charges as required by the provisions of the Interstate Agreement on Detainer's Act. The State submitted its Response on February 19, 2015. Defendant's Motion to Dismiss is dismissed by the court.

On February 8, 2015, Martin handwrites motion to dismiss information based on repeated violations of the Interstate Agreement on Detainers provisions and it is filed on February 12, 2015, now 391 days since January 13, 2014. On this same day, the state makes submits a fourth motion for continuance while now tolling the case age at 281 days. The court orders a new trial date of February 26, 2015, 409 days since notification and , (229) days over violation.) Possibly February 26, 2015, Sentencing date set for June 5, 2015, State form change formula again. (Sentencing set for June 5, 2015, 508 days since notification, 328 days over violation. Sentencing continued to 6/26/2015, 529 days since notification and (349) days over violation, nearly twice over the original limit.

... Article III gives a prisoner against whom a detainer has been lodged the right to "request" a "final disposition" of the relevant charges, in which case "he shall be brought to trial within one hundred and eighty days" (unless extended by the trial court for "good cause"); otherwise, the relevant "indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice." Art. III(a), (d).***... [I]t is important to keep in mind that the [Interstate Agreement on Detainers] basically (1) gives a prisoner the right to demand a trial within 180 days; and (2) gives a State the right to obtain a prisoner for purposes of trial, in which case the State (a) must try the prisoner within 120 days of his arrival [in the State]....*Alabama v. Bozeman*, 533 U.S. 146, 150-151, 121 S. Ct. 2079, 2083, 150 L. Ed. 2d 188 (2001). However, the rights established by the Act are not fundamental or jurisdictional and may be explicitly or implicitly waived. *New York v. Hill*, 528 U.S. 110, 114-118, 120 S. Ct. 659, 663-666, 145 L. Ed. 2d 560 (2000). Both counsel and the defendant possess the ability to effect a waiver of these rights. *Id.*

Lastly, the defendant questions Appellate Counsel's statement within the submitted brief crediting the State Court with only half the blame for the continued and unnecessary delays and continuances, and who is assigned the remainder of the second half.

CONCLUSION

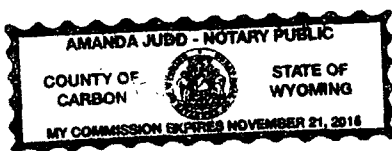
The Defendant contends that the state violated his Constitutional rights while acting under color of law as agents of the government,

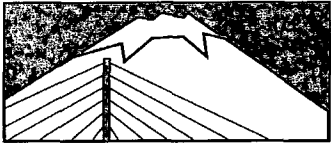
Defendant was entitled to final disposition within 180 days and failure to conclude all aspects of trial within that time limit must result in Dismissal with Prejudice.

Dated this 11 day of January, 2016

Arturo Martin S.
Arturo Martin

Amanda Judd
Notary Public





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Kit Kasner, Executive Director

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September 15, 2014

Arturo S. Martin
Bkg # 2014126050
Pierce County Sheriff's Department
910 Tacoma Avenue South
Tacoma, WA 98402-2168

Re: Your letter dated 9/9/14

Mr Martin:

Thank you for your letter. We have forwarded it to the Washington State Bar Association, as they are the ones who handle complaints and disciplinary actions dealing with attorneys in our state. Their address is: 1325 Fourth Avenue, Suite 600, Seattle, WA 98101. Phone (complaint department) 206/727-8207.

Sincerely,

Coordinator
Lawyer Referral Service

Washington State Bar
Complaint Department
1325 Fourth Avenue, Suite 600
Seattle, WA 98101



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton
Associate Director

November 17, 2014

Mark Thomas Quigley
Pierce Cnty Dept of Assigned Counsel
949 Market St Ste 334
Tacoma WA 98402-3696

Re: ODC File: 14-01784
Grievance filed by Arturo Martin

Dear Mr. Quigley:

We received the enclosed information dated November 10, 2014 from Mr. Martin.

Under the Rules for Enforcement of Lawyer Conduct (ELC), we are providing the information to you because it disputes the dismissal of a grievance. As required by the ELC, a Review Committee of the Disciplinary Board will reconsider the dismissal.

If you choose to respond to the grievant's allegations, we will transmit your response to the grievant and Review Committee; however, you are not required to respond. If you choose to respond and you ask us to withhold information from the grievant, we will transmit the response to the Review Committee and notify the Review Committee that it contains a request to withhold. We suggest that you carefully evaluate whether to submit information accompanied by a request that it be withheld from the grievant because, in those circumstances, the Review Committee will generally refer the grievance back to us for further consideration. For additional information, see our website wsba.org.

The Review Committee will notify you and the grievant of its decision after it issues an order in this matter. In some situations, all of the information in a grievance file becomes public as a result of a Review Committee's decision. See ELC 3.1(b).

Sincerely,

A handwritten signature in black ink that reads "Felice P. Congalton". The signature is fluid and cursive.

Felice P. Congalton
Associate Director

Enclosure: grievant information
cc: Arturo Martin
(without enclosure)

2/27/2015

1/6/14

To The District Attorney office
My Name is Arturo Spencer Martin Doc # 28912
I Reside at Wyoming Medium Security
Institution located at 7076 Road 3 F
Torrington, WY 82240 as a Wyoming
Department of Correction inmate
for the Term of 3 to 5 years
from my understanding you have a
Detainer hold on me. Im asking is
it possible we can Take Care of
this situation on the phone or Video TV
Considering The Cost of transportation
of extradition. I am fully aware
of the Detainer, but Im unaware
of what I've been accuse of.
Some times things are not what they
seem, but I also know people can
make mistakes. Am I the right
person? please enlighten me of
the situation, and lets get to
the bottom of it. Thank you for
your Time and Consideration.
With the up most Respect To
The District Attorney office
of Pierce County thank you

MR Martin Doc # 28912

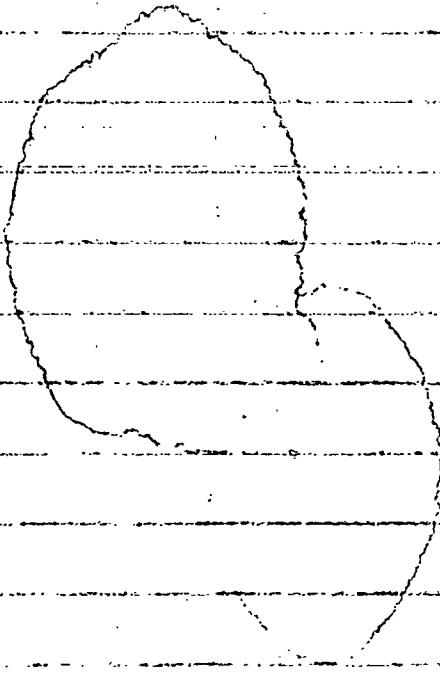
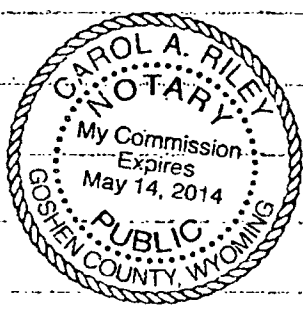
Arturo S. Martin

0153

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2/27/2015

State of Wyoming
County of Goshen
On this 7th day of January, 2014
Arthur Martin personally appeared before me,
who is personally known to me,
☒ whose identity I verified on the basis of
WMCI ID # 28912
whose identity I verified on the oath/affirmation of
_____ a credible witness,
to be the signer of the foregoing document, and he/she
acknowledged that he/she signed it.
Carol A. Riley
My Commission Expires 5-14-14 Notary Public





Pierce County

Department of Assigned Counsel

949 Market Street, Suite 334
Tacoma, Washington 98402-3696
(253) 798-6062 • FAX (253) 798-6715
email: pcassgncnsl@co.pierce.wa.us

MICHAEL R. KAWAMURA
Director

Arturo Spencer Martin # 28912
Wyoming Medium Security Institution
7076 Road 55F
Torrington, WY 82240

January 21, 2014

Re: State v. Arturo Martin; Pierce County Superior Court Cause 12-1-00649-2

Mr. Martin:

I am a defense attorney with the Pierce County Department of Assigned Counsel. You recently contacted the Pierce County Superior Court Clerk, and that correspondence was forwarded to my office.

You have been charged in Pierce County Superior Court with Assault in the Second Degree, Interfering with Reporting of Domestic Violence, and Harassment, all charges being domestic violence related. The charges are still open and it looks like you have not been arraigned on them yet. The warrant was originally issued on February 23, 2012. The warrant will remain open until you return to Tacoma and face these charges.

Because my office has not yet been appointed to your case, we do not represent you on this matter. And because your case is still an open charge – there is little I can do for you directly. That means you will either have to hire a local attorney to assist you with your case or you will have to proceed pro se (which means without an attorney).

However, I have enclosed some information that I hope will be helpful to you. I have enclosed the text of the Revised Code of Washington (RCW) 9.100. This is the statute and law you will need to follow in order to properly preserve your right to a speedy trial.

All filings need to be sent to both the Superior Court Clerk and the prosecutor's office.

Superior Court Clerk's Office:
County-City Building
930 Tacoma Avenue South, Room 110
Tacoma, WA 98402-2177



Pierce County Prosecuting Attorney:
County-City Building
930 Tacoma Avenue South, Room 946
Tacoma WA 98402-2171

I hope that this information is helpful in accomplishing your goal.

Regards,



Erin Sickles
Attorney at Law

0158

5698

2/27/2015



Pierce County

Office of the Prosecuting Attorney

REPLY TO:
CRIMINAL FELONY DIVISION
930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Criminal Felony Records: 798-6513
Victim-Witness Assistance: 798-7400
FAX: (253) 798-6636

GERALD A. HORNE
Prosecuting Attorney

Main Office: (253) 798-7400
(WA Only) 1-800-992-2456

February 14, 2014

Danielle Hedblum
Agreement Administrator
Department of Corrections
P.O. 41132
Olympia, WA 98504

Re: STATE OF WASHINGTON v. ARTURO SPENCER MARTIN
Pierce County Superior Court Cause No. 12-1-00649-2
WYOMING Inmate/Prisoner No. 28912, d.o.b. 01-15-1963

Dear Ms. Hedblum:

Our office has charged ARTURO SPENCER MARTIN with ASSAULT IN THE SECOND DEGREE-DOMESTIC VIOLENCE, FELONY HARASSMENT, and INTERFERING WITH THE REPORTING OF DOMESTIC VIOLENCE. The defendant is currently incarcerated in the WYOMING MEDIUM CORRECTIONAL INSTITUTION in TORRINGTON, WYOMING. The defendant has requested to return to Pierce County to resolve these charges, and the State is agreeing to proceed under the procedures of the Interstate Agreement on Detainers (RCW 9.100).

Enclosed please find five (5) original copies of Form VI ("Evidence of Agent's Authority...") and one (1) original copy of Form VII ("Prosecutor's Acceptance of Temporary Custody...").

Please review and have signed Forms VI and VII, then forward Form VII to the out-of-state prison.

Thank you in advance for your assistance. If you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

Stephen M. Penner
Assistant Chief, Criminal Division
(253) 798-7314
fax: (253) 798-6636
spenner@co.pierce.wa.us

COPY



Printed on recycled paper

(6)

FORM I

INTERSTATE AGREEMENT ON DETAINERS

One copy of this form, signed by the inmate and the warden, should be retained by the warden. One copy, signed by the warden should be retained by the inmate.

NOTICE OF UNTRIED INDICTMENT, INFORMATION OR COMPLAINT AND OF RIGHT TO REQUEST DISPOSITION

Inmate: **Arturo Spencer Martin** No.: **28912** Inst.: **Wyoming Medium Correctional Institution,
Torrington, WY 82240**

NOTICE OF UNTRIED INDICTMENT, INFORMATION OR COMPLAINT

Pursuant to the Interstate Agreement on Detainers (IAD), you are hereby informed that a detainer has been lodged for the following untried indictments, informations, or complaints against you concerning which the undersigned has knowledge, and the source and contents of each:

- (1) Jurisdiction/Agency: **Pierce County Washington**
Crime(s) charged: **Assault in the Second Degree**
- (2) Jurisdiction/Agency: **Pierce County Washington**
Crime(s) charged: **Harassment**
- (3) Jurisdiction/Agency: **Pierce County Washington**
Crime(s) charged: **Interfering with the Reporting of Domestic Violence**

RIGHT TO REQUEST DISPOSITION OF CHARGES AND TO SPEEDY TRIAL

You are hereby further advised that under the IAD you have the right to request the appropriate prosecuting officer of the jurisdiction in which any such indictment, information or complaint is pending, and the appropriate court, that a final disposition be made thereof. You shall then be brought to trial within 180 days, unless extended pursuant to provisions of the IAD, after said prosecuting officer and said court have received written notice of the place of your imprisonment and your request, together with a certificate of the custodial authority as more fully set forth in the IAD. However, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

Rev. 3/03

Form I



0159

5698

2/27/2015

(7)

1910

5695

2/27/2015

WAIVER AND CONSENT

Your request for final disposition will operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against you from the state to whose prosecuting official your request for final disposition is specifically directed. Your request will also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein and a waiver of extradition to the state of trial to serve any sentence there imposed upon you, after completion of your term of imprisonment in this state. Your request will also constitute a consent by you to the production of your body in any court where your presence may be required in order to effectuate the purposes of the IAD and a further consent to be voluntarily returned to the institution in which you are now confined.

Should you desire such a request for final disposition of any untried indictment, information or complaint, you are to notify of the institution in which you are confined.

RIGHT TO OPPOSE REQUEST FOR TEMPORARY CUSTODY

You are also advised that under provisions of the IAD the prosecuting officer of a jurisdiction in which any such indictment, information or complaint is pending may request your temporary custody to obtain a final disposition thereof. In that event, you may oppose such request. You may request the Governor of this state to disapprove any such request for your temporary custody but you cannot oppose delivery on the grounds that the Governor has not affirmatively consented to or ordered such delivery. You are also entitled to the procedural protections provided in state extradition laws.

M. Norris
Melody Norris Records Manager

Steve Hargett
Steve Hargett, Warden

CUSTODIAL AUTHORITY

Name: Melody Norris Records Manager
Institution: Wyoming Medium Correctional Facility
Address: 7076 Road 55 F
City/State: Torrington, WY 82240
Telephone: 307-532-6605

RECEIVED

INMATE: Victor Mante NO: 28912 DATE: 1/9/14
(Signature)

WITNESS: B. Anaya DATE: 1-9-14
(Signature)

Beatriz Anaya Asst Records Manager
(Printed Name & Title)

If jurisdiction over this matter is properly in another agency, court, or officer, please designate below the proper agency, court, or officer and return this form to sender.

The required Certificate of Inmate Status (Form III) and Offer of Temporary Custody (Form IV) are attached.

Arturo Martin
Inmate Signature

28912
Inmate Number

Arturo Spencer Martin
Inmate's Printed Name

1/9/14
Date

B. Anaya
Witness Signature

Asst Records Manager
Title

Beatriz Anaya
Witness Printed Name

1-9-14
Date

Indictments, informations or complaints charging the following offenses are also pending against the inmate in your state and you are hereby authorized to transfer the inmate to the custody of appropriate authorities in these jurisdictions for purposes of disposing of these indictments, informations or complaints.

Offense:

County or Other Jurisdiction:

Assault in the Second Degree

Harassment

Interfering with the Reporting of Domestic Violence

Pierce County WA

Pierce County WA

Pierce County WA

If you do not intend to bring the inmate to trial, please inform us as soon as possible.



Melody Norris Records Manager



Steve Hargett, Warden

Institution: Wyoming Medium Correctional Facility

Address: 7076 Road 55 F

City/State: Torrington, WY 82240

Telephone: 307-532-6605

+

FORM II

INTERSTATE AGREEMENT ON DETAINERS

Six copies, if only one jurisdiction within the state involved has an indictment, information or complaint pending. Additional copies will be necessary for prosecuting officials and clerks of court if detainers have been lodged by other jurisdictions within the state involved. One copy should be retained by the inmate. One signed copy should be retained by the institution. Signed copies must be sent to the Agreement Administrators of the sending and receiving states, the prosecuting official of the jurisdiction which placed the detainer, and the clerk of the court which has jurisdiction over the matter. The copies for the prosecuting official and the court must be transmitted by certified or registered mail, return receipt requested.

INMATE'S NOTICE OF PLACE OF IMPRISONMENT AND REQUEST FOR DISPOSITION OF INDICTMENTS, INFORMATIONS OR COMPLAINTS

TO: Pierce County WA
930 Tacoma Ave S Rm 946
Tacoma 98402

Prosecuting Officer: Gerald A Horne

And to all other prosecuting officers and courts of jurisdictions listed below in which indictments, informations or complaints are pending.

You are hereby notified that the undersigned, **Arturo Spencer Martin** is now imprisoned in
Wyoming Medium Correctional Facility at **Torrington, WY.**
(Institution) (City and State)

I hereby request that final disposition be made of the following indictments, informations or complaints now pending against me:

Assault in the Second Degree

Harassment

Interfering with the Reporting of Domestic Violence

Failure to take action in accordance with the Interstate Agreement on Detainers (IAD), to which your state is committed by law, will result in the dismissal of the indictments, informations or complaints. I hereby agree that this request will operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against me from your state. I also agree that this request shall be deemed to be my waiver of extradition to your state for any proceeding contemplated hereby, and a waiver of extradition to your state to serve any sentence there imposed upon me, after completion of my term of imprisonment in this state. I also agree that this request shall constitute consent by me to the production of my body in any court where my presence may be required in order to effectuate the purposes of the IAD and a further consent to be returned to the institution in which I now am confined.

FORM III
INTERSTATE AGREEMENT ON DETAINERS

In the case of an inmate's request for disposition under Article III, copies of this Form should be attached to all copies of Form II. In the case of a request initiated by a prosecutor under Article IV, a copy of this Form should be sent to the prosecutor upon receipt by the warden of Form V. Copies of this Form should be sent to all other prosecutors in the same state who have lodged detainers against the inmate. A copy may be given to the inmate.

CERTIFICATE OF INMATE STATUS

Arturo Spencer Martin
(Inmate)

28912
(Number)

Wyoming Medium Correctional Facility, 7076 Road 55 F, Torrington, WY 82240
(Institution) (Location)

Melody Norris Records Manager, hereby certifies:
(Custodial authority)

1. The inmate's commitment offense(s): **Battery Household Member 3rd or Subsequent Offense**
2. The term of commitment under which the inmate is being held: **3-5 years**
3. The time already served: **1 year 2 months**
4. Time remaining to be served on the sentence: **2 years 6 months**
5. Good time earned/Good time release date: **3/23/2015**
6. The date of parole eligibility of the inmate: **07/24/2016**
7. The decisions of the state parole agency relating to the inmate: (If additional space is needed, use reverse side.) **N/A**
8. Maximum expiration date under present sentence: **11/29/2017**
9. Security level/special security requirements: **Medium Custody level**
10. Detainers currently on file against this inmate from your state: **N/A**


Melody Norris Records Manager


Steve Hargett, Warden

CUSTODIAL AUTHORITY

Name/Title Melody Norris Records Manager
Institution: Wyoming Medium Correctional Institution
Address: 7076 Road 55 F
City/State: Torrington, WY 82240
Telephone: (307) 532-6605

FORM IV

INTERSTATE AGREEMENT ON DETAINERS

Inmate's request: Copies of this Form should be attached to all copies of Form II. Prosecutor's request: This Form should be completed after the warden has approved the request for temporary custody, expiration of the 30 day period, and successful completion of a pretransfer hearing. Copies of this Form should then be sent to all officials who receive(d) copies of Form III. One copy also should be given to the inmate and one copy should be retained by the institution. Copies mailed to the prosecutor should be sent certified or registered mail, return receipt requested.

OFFER TO DELIVER TEMPORARY CUSTODY

TO: **Pierce County Washington**, Prosecuting Officer
(Jurisdiction)

And to all other prosecuting officers and courts of jurisdictions listed below from which indictments, informations or complaints are pending.

RE: **Arturo Spencer Martin** No.: **28912**
(Inmate)

Pursuant to Article V of the Interstate Agreement on Detainers (IAD), the undersigned hereby offers to deliver temporary custody of the above-named inmate to the appropriate authority in your state in order that speedy and efficient prosecution may be had of the indictment, information or complaint which is

☒ described in the attached inmate's request (Form II)
☐ described in your request for custody (Form V) of _____
(Date)

The required Certificate of Inmate Status (Form III)

☒ is enclosed
☐ was sent to you with our letter of _____
(Date)

I.A.D. FORM VI

EVIDENCE OF AGENT'S AUTHORITY TO ACT FOR RECEIVING STATE

TO: BERNIE WARNER
SECRETARY, DEPARTMENT OF CORRECTIONS
P.O. BOX 41132
OLYMPIA, WA 98504

ARTURO SPENCER MARTIN (Wyoming Inmate No. 28912) is confined in the WYOMING MEDIUM CORRECTIONAL INSTITUTION in TORRINGTON, WYOMING, and will be taken into custody at said institution for return to Pierce County, Washington, for trial on a date to be set in open court upon the defendant's return. In accordance with Article V(b) of the Agreement on Detainers, and on the behalf of the Pierce County Prosecuting Attorney, I have designated Pierce County Sheriff Paul Pastor, and/or his designated agent(s), whose signature(s) appear below, as agent to return the prisoner.


Dated this 14 day of FEBRUARY, 2014.


STEPHEN M. PENNER, WSB# 25470
Deputy Prosecuting Attorney

AGENT SIGNATURE(S):


DEPUTY BRIAN COBURN
Pierce County, Washington

and/or

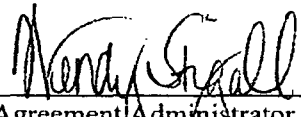

DEPUTY CURTIS FILLEAU
Pierce County, Washington

TO: WARDEN/DIRECTOR
WYOMING MEDIUM CORRECTIONAL INSTITUTION
TORRINGTON, WY 82240

In accordance with the above representations and the provisions of the Agreement on Detainers, the person(s) listed above is/are hereby designated as agent(s) for the State of Washington to transport ARTURO SPENCER MARTIN (Wyoming Inmate No. 28912) to Pierce County, Washington, for trial. At the completion of the trial and sentencing ARTURO SPENCER MARTIN shall be returned to the WYOMING MEDIUM CORRECTIONAL INSTITUTION in TORRINGTON, WYOMING.

Dated this 24th day of February, 2014.

THE HONORABLE CHRISTINE GREGOIRE
GOVERNOR OF THE STATE OF WASHINGTON

By: 
Agreement Administrator or Designee
Dept of Corrections/Records Unit

0158

5698

2/27/2015

OFFER AND SENTENCING WORKSHEET

Date: 5/23/14 DPA: Sabrina Ahrens Δ Attorney Quigley

I. DEFENDANT INFORMATION

Defendant: Arturo Martin Race: Unknown Black
D.O.B.: 1/15/63 S.I.D.:
Sex: Male Cause #: 12-1-00649-2

II. PLEA AGREEMENT:

Original Information: ☐ Amended Info: ☒
Charges (if Amended Info): Other Agreements: ☒ Factual Plea Only ☐ Alford/Newton plea OK

III. AGREED RECOMMENDATION:

Assault 30-DV
51 Months, 12 Months Community Custody (J&S will automatically convert to bench supervision if DOC declines to supervise or closes their file early), \$500 CVPA, \$200 costs, \$100 DNA, \$500 DAC recoupment, Restitution (if applicable, including for damage done in dismissed counts and medical expenses), no contact order w/ all victims, DV eval and follow up txmt, Forfeit any items in property, law abiding behavior.

☐ Register as a sex offender as required by statute, complete HIV testing, complete PSI and comply with PSI/CCO recommendations in Appendix "H". No contact with minors.

Range as charged after trial: 63-84 plus agg crime.

IV. CRIMINAL HISTORY: (Known as of this date) Both parties stipulate to the offender score as detailed in the State's criminal history compilation and incorporated herein by reference. Acceptance of this plea agreement is an agreement by the defendant and defense counsel that the listing of prior convictions in the compilation is complete and accurate and that the calculation of the offender score and standard range listed below is correct.

V. OFFENDER SCORE:

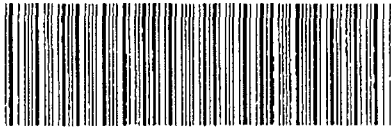
| | Score | Seriousness | Range | Max Term | Max Fine |
|----------|----------|-------------|---------------|-------------|--------------|
| Ct. I: | <u>9</u> | <u>III</u> | <u>51-60m</u> | <u>5yrs</u> | <u>\$10K</u> |
| Ct. II: | | | | | |
| Ct. III: | | | | | |
| Ct. IV: | | | | | |
| Ct. V | | | | | |

VI. JUDGMENT AND SENTENCE PAPERWORK:

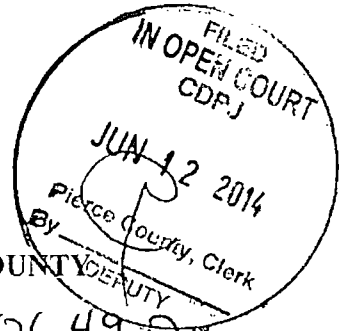
Plea: ☒ Jury Trial: ☐ Bench Trial: ☐
Date of Offense: 12/12/11 Special Finding: DV
Incident #: 113 461040 Appendices:
Plea Date: Sentencing Date:
Charge Code: Ct. I Ct. II Ct. III Ct. IV Ct. V

VII. ACKNOWLEDGEMENT: If the defendant re-offends, fails to appear for a court hearing, or otherwise violates the conditions of release, this offer is revoked. If this case is reassigned to another DPA after this offer is made, this offer is revoked. The DPA may elect to have this offer expire on the following date:

The State is relieved of its obligations under this agreement in the event the defendant subsequently re-offends, fails to appear for a court hearing, or otherwise violates the conditions of release between the time of a plea and sentencing.



12-1-00649-2 42738454 ORCTD 06-13-14



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,
PlaintiffCause No. 12-1-00649-2

vs.

ORDER CONTINUING TRIAL

Arturo Martiu
DefendantCase Age 36 Prior Continuances 0This motion for continuance is brought by ☐ state ☒ defendant ☐ court.☒ upon agreement of the parties pursuant to CrR 3.3(f)(1) or☐ is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or☐ for administrative necessity

Reasons:

Additional time needed to investigate and prepare. State just received certs on defendants priors.☐ RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

| | DATE | TIME | COURT ROOM | ID NUMBER |
|--|---------|------|------------|-----------|
| <input checked="" type="checkbox"/> Pre Trial Conf. | 7-29-14 | 1:30 | 260 | 0 |
| <input checked="" type="checkbox"/> OMNIBUS HEARING | 8-5-14 | 8:30 | 260 | 0 |
| <input type="checkbox"/> STATUS CONFERENCE HEARING | | | | |
| THE CURRENT TRIAL DATE OF: <u>6-30-14</u> IS CONTINUED TO: <u>9-18-14</u> @ 8:30 am Room <u>2600</u> | | | | |

Expiration date is: 10-18-14 (Defendant's presence not required) TFT days remaining: 30DONE IN OPEN COURT this 12th day of June, 2014Defendant
refuses to sign

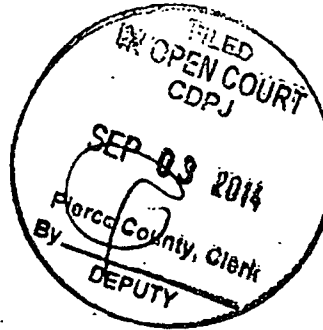
Judge

FRANK E. CUTHBERTSON

Attorney for Defendant/Bar # 14496Prosecuting Attorney/Bar # 37164

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Interpreter/Certified/Qualified_____
Court Reporter

0207
01005636
27782/24/2015
9/4/2014on-docket
I/CAssault 2
Felony Manner
Interfering 7911

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,
PlaintiffCause No. 12-1-00649-2

vs.

ORDER CONTINUING TRIAL

Arturo Martin
DefendantCase Age 923 Prior Continuances 1This motion for continuance is brought by ☐ state ☒ defendant ☐ court.☒ upon agreement of the parties pursuant to CrR 3.3(f)(1) or☐ is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or☐ for administrative necessity

Reasons:

Additional time needed to prepare & investigate, three strikes allegation
State & Defense seeking certified copies of prior convictions.

☐ RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

| | DATE | TIME | COURT ROOM | ID NUMBER |
|---|----------|--|------------|-----------|
| <input type="checkbox"/> | | | | |
| <input checked="" type="checkbox"/> OMNIBUS HEARING | 10-21-14 | 8:30am | 260 | |
| <input type="checkbox"/> STATUS CONFERENCE HEARING | | | | |
| THE CURRENT TRIAL DATE OF: <u>9/18/14</u> | | IS CONTINUED TO: <u>1/29/15 @ 8:30 am Room 260</u> | | |

Expiration date is: 2/28/15 (Defendant's presence not required) TFT days remaining: 30DONE IN OPEN COURT this 3rd day of September, 2014Refused to sign
Defendant

Judge

Frank E. CuthbertsonAttorney for Defendant/Bar # 14496Prosecuting Attorney/Bar # 39609

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Interpreter/Certified/Qualified_____
Court Reporter

Mark Quigley

From: Mark Quigley
Sent: Friday, December 19, 2014 11:56 AM
To: Susan Kavanaugh
Subject: RE: Arturo Martin 12-1-00649-2

Susan, Thank you for getting back to me, I will pass along your position to Mr. Martin. Please let me know when I can interview the alleged victim, as requested by email on October 13. Thanks, Mark

From: Susan Kavanaugh
Sent: Friday, December 19, 2014 11:46 AM
To: Mark Quigley
Cc: Heather Demaine
Subject: RE: Arturo Martin 12-1-00649-2

Mark,

Sven, Heather, and I staffed this case this morning and the decision we reached is that the pretrial offer with a concurrent sentence is not appropriate and we are intending to proceed to trial with Mr. Martin as a 3rd striker. If your client is willing to discuss an offer that would result in prison time in the 15 year range, then we may be able to negotiate further.

I will be on vacation as of close of business today returning on January 5, 2014. If you have any questions or concerns, please contact Heather.

Happy Holidays,
Susan

From: Mark Quigley
Sent: Tuesday, November 04, 2014 9:23 AM
To: Susan Kavanaugh
Subject: RE: Arturo Martin 12-1-00649-2

Susan, that's fine, let me know when you can

From: Susan Kavanaugh
Sent: Tuesday, November 04, 2014 7:42 AM
To: Mark Quigley
Subject: RE: Arturo Martin 12-1-00649-2

Mark,

I apologize for not getting back to you sooner. Last week was very busy. I wanted to check with Sven regarding this case because of the Wyoming issue, but I was in trial yesterday and he is now at a training. He is back on Friday, so I will touch base with him and get this thoughts then and get back to you.

Susan

From: Mark Quigley
Sent: Wednesday, October 29, 2014 11:47 AM

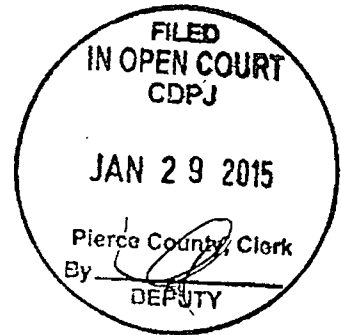
To: Susan Kavanaugh

Subject: Arturo Martin 12-1-00649-2

Susan, To confirm Mr. Martin's offer to resolve the above matter, one count Assault 3, score 9, low end 51 months. As you know, Mr. Martin is serving a Wyoming sentence of "3 to 5 years" with credit of 283 days as of sentencing on Oct 18, 2013. According to him his earliest release date is July, 2016, latest is July, 2017, which sounds about right. The offer is contingent upon the sentence being served concurrent with Wyoming which may present logistical problems. Call me when you get a chance, Mark



12-1-00649-2 44044282 ORCTD 01-29-15



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,)
Plaintiff)

Cause No. 12-1-00649-2

vs.)

ORDER CONTINUING TRIAL

Arturo Martin,)
Defendant)

Case Age 1071 Prior Continuances 2

This motion for continuance is brought by ☐ state ☒ defendant ☐ court.

☒ upon agreement of the parties pursuant to CrR 3.3(f)(1) or

☐ is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or

☐ for administrative necessity.

Reasons:

Dis allowed to proceed pro se at this time.
Additional time needed to prepare, defense
interview with alleged victim scheduled for 2/2/15
in Burlington, WA.

☐ RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

| <input type="checkbox"/> | DATE | TIME | COURT ROOM | ID NUMBER |
|---|------|------|------------|-----------|
| <input type="checkbox"/> OMNIBUS HEARING | | | | |
| <input type="checkbox"/> STATUS CONFERENCE HEARING | | | | |
| THE CURRENT TRIAL DATE OF: <u>1/29/15</u> IS CONTINUED TO: <u>2/19/15</u> @ 8:30 am Room <u>260</u> | | | | |

Expiration date is: _____ (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 29th day of January, 20 15

& Refused to sign
Defendant Pro Se

[Signature]
Judge JERRY T. COSTELLO
37002
Prosecuting Attorney/Bar #

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Interpreter/Certified/Qualified

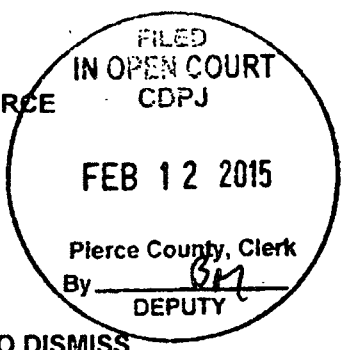
Court Reporter

04-11



12-1-00649-2 44128299 MTDSM 02-13-15

IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE



STATE OF WASHINGTON,
Plaintiff

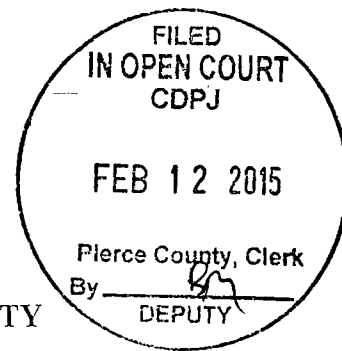
vs.

MARTIN, ARTURO SPENCER,
Defendant

Cause No. 12-1-00649-2

DEFENDANT'S MOTION TO DISMISS

2/17/2015 5:31



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,) Cause No. 12-1-00049-2
Plaintiff)

vs.) ORDER CONTINUING TRIAL
Arturo Martin)
Defendant)

Case Age 281 Prior Continuances 3
(listed as 1085 b/c of warrant)

This motion for continuance is brought by ☒ state ☐ defendant ☐ court.
☐ upon agreement of the parties pursuant to CrR 3.3(f)(1) or
☒ is required in the administration of justice pursuant to CrR 3.3(f)(2) and the defendant will not be prejudiced in his or her defense or
☐ for administrative necessity.

Reasons: State has filed a mtn for the court to
supplement the record regarding the defendant's pro se status. Judge
Castillo was the judge & he is on recn until 2/20/15.

☐ RCW 10.46.085 (child victim/sex offense) applies. The Court finds there are substantial and compelling reasons for a continuance and the benefit of postponement outweighs the detriment to the victim.

IT IS HEREBY ORDERED the Defendant shall be present and report to:

**defendants' motion will also be heard on the 20th*

| | DATE | TIME | COURT ROOM | ID NUMBER |
|--|--------|--------|------------|-----------|
| <input checked="" type="checkbox"/> Motion to: pro se hearing | 2/2/15 | 8:45am | 260 | |
| <input type="checkbox"/> OMNIBUS HEARING | | | | |
| <input type="checkbox"/> STATUS CONFERENCE HEARING | | | | |
| THE CURRENT TRIAL DATE OF: <u>2/19/15</u> IS CONTINUED TO: <u>2/26/15 @ 8:30 am Room 260</u> | | | | |

Expiration date is: _____ (Defendant's presence not required) TFT days remaining: 30

DONE IN OPEN COURT this 12th day of February, 2015

Defendant objects
Defendant pro se
Attorney for Defendant/Bar # _____

[Signature]
Judge 37802
Prosecuting Attorney/Bar # _____

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury that the foregoing is true and correct.

Pierce County, Washington
Interpreter/Certified/Qualified Court Reporter _____

(27)

0026
IN THE SUPERIOR COURT OF THE STATE
OF WASHINGTON IN AND FOR THE COUNTY OF PIERCE

5346
STATE OF WASHINGTON

Plaintiff

VS.

2015
ARTURO S. MARTIN

Defendant

CASE NO: 12-1-00649-2

) AFFIDAVIT IN SUPPORT OF

) MOTION OF THE INTERSTATE

) AGREEMENT ON DETAINER'S

) SPEEDY TRIAL RIGHTS VIOLATION

STATE OF WASHINGTON

County OF PIERCE

COMES NOW: THE defendant herein, moves this honorable court to
dismiss all charges with prejudice under CrR3.3 STATE VS. Anderson
121 WN.2d 852, 855 P.2d 671 (1993) and Washington REV. CODE,
9A.00.010. (art. III (a) of (IAD) and (b) (c) and CrR3.3 (c) (6) and
SEC. ARMSTRONG VS. MONZO 380 U.S. 545, 552 14 Lcd. 2d 6285
SCT 1187 and U.S. VS. MARVRO 436 U.S. 340, 56 Lcd. 2d 329
98 SCT 1934 and "6" Amendment" STATE VS. Welker 157 WN.2d 557

Aug 17, 2006

YOUR HONOR. I am writing you or should I say praying to you for help.
Your honor. I signed The Interstate Agreement on Detainer's on this day
of 9 January 2014. I arrived here at Pierce County Washington
on this ^{day} of 6 March, 2014. Today is 8 Feb. 2015. That's
210 days Post my 180 day speedy trial Rights, which equals to
395 days when I signed The Interstate Agreement on Detainer's.

A signed contract is bound by law, It's the law of the land.

(33)

227

your honor. There are several steps in the process to trigger a defendant rights under the Interstate Agreement on Detainers (IAD). First the receiving state lodges a detainer against the defendant in the foreign sending state. Wash. Rev. Code § 9.100.010. (art. III(a) of IAD) The penal officials in the sending state must inform the defendant of the detainer against him and inform him of his rights to request final disposition of those charges in the receiving state under the (IAD)- Wash. Rev. Code § 9.100.010. (art. III(c) of IAD) Finally, upon notice of the detainer, the defendant himself must invoke his (IAD) rights by causing the appropriate request to be delivered to the court, and prosecutor of the county where the receiving state charges are pending. Wash. Rev. Code § 9.100.010. (art. III(b) of IAD) From the time the prosecutor receives that request, the prosecutor office then has 180 days to bring the defendant to trial in the receiving state. Rights under 3.3(b) STATE VS. WELKER 157 Wn.2d 557 Aug 17, 2006. A prosecutor has a duty of good faith and due diligence to utilize the Interstate Agreement on Detainers when he knows in whose custody an incarcerated defendant is held.

STATE V. Anderson

The Interstate Agreement on Detainers (RCW 9.100) should be utilized for filing detainers so that the defendant may avail themselves of demand for speedy trial. Failure of the State to do this, results in inapplicability of the exclusion from computation of the speedy trial period under subdivision former (g) (6) and possible dismissal with prejudice under former (1). State v. Anderson 121 Wn.2d 852, 855 P.2d 671 (1993).

The Interstate Agreement on Detainers (IAD) establishes a statutory scheme where by (IAD) signatories: including Washington and Oregon, are required to resolve within 180 days outstanding charges against out-of-state prisoners and detainers based on untried indictments, information, or complaints. Wash. Rev. Code § 9.100.010. Not only does the Anderson decision require prosecutors to exercise good faith and due diligence in utilizing the (IAD), it also repeatedly indicates that a prosecutor's mere knowledge of an incarcerated defendant whereabouts prompts the good faith and due diligence duty to file a detainer. Anderson stands for the proposition that a defendant need not request disposition under the (IAD) in order to trigger a prosecutor's implied duty of good faith and due diligence. Instead, the prosecutor duty is triggered when he has actual knowledge of an incarcerated defendant's whereabouts in a foreign penal institution.

NOT with Standing CrR 3.3 (c)(6), which excludes from a time-for-trial calculation under CrR 3.3 Time a defendant spent incarcerated in another state or in the federal system. The state violation of the Interstate Agreement on Detainers (chapter) 9.100 RCW) may mean that the period of time the defendant was incarcerated in the foreign jurisdiction is included in the time calculation, which may result in a violation of the defendant's speedy trial rights under CrR 3.3(b)

ARMSTRONG VS. MONROE, 380 U.S. 545, 552, 14
1 ed. 2d 62, 85 Sct 1187 State's

Due process requires as general matter opportunity to be heard at a meaningful time and in a meaningful manner.

Citizens must be afforded due process before deprivation of life, liberty, or property

0030

Your honor. The Interstate Agreement on Detainer's speedy trial right's violation has been violated, because the prosecutor did not exercise good faith and due diligence in utilizing the (IAD) in the Guidelines of the law, in order for me to have a fair trial within the 180 days Time limits. Your honor. I ask for mercy on the Court in all fairness, that all charges on Case No: 12-1-00649-2 The assault in the second degree, Harassment DV, and Interfering with the reporting of domestic violence be dismissed with prejudice. Under the Interstate Agreement on Detainer's Speedy Rights Violation. under CrR3.3 STATE VS. Anderson 121 Wn. 2d 852, 855 P. 2d 671 (1993.) and Washington Rev. Code, 9.100.010. (art. III(a) of (IAD) and (b)(c) and CrR3.3 (e)(6) and see: ARMSTRONG VS. MONZO. 380 U.S. 545, 552, 14 Led. 2d 628.5 Sct 1187. and STATE VS. Welker 157 Wn. 2d 557 Aug 17, 2006 and U.S. VS. MARVRO 436 U.S. 340, 56 Led. 2d 329 98. Sct 1934 and The "6 Amendment" Your honor. This motion holds enough merits for it to be granted. I ask for mercy on the Court, with the up most respect.

Sign: Arturo S. Martin
 Print: Arturo S. Martin
 DATE: 2/8/2015

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5
6 SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

7 STATE OF WASHINGTON,

8 Plaintiff,

CAUSE NO. 12-1-00649-2

9 vs.

10 ARTURO SPENCER MARTIN,

11 STATE'S RESPONSE TO
DEFENDANT'S MOTION TO DISMISS
BASED ON VIOLATION OF THE
INTERSTATE AGREEMENT ON
12 DETAINERS AND SPEEDY TRIAL

Defendant.

13 COMES NOW the Plaintiff, State of Washington, by and through Deputy
14 Prosecuting Attorney Susan Kavanaugh, and respectfully asks the Court to deny the
15 defendant's motion to dismiss. The State relies on the authorities and argument below.

16 **I. FACTS**

17 On February 23, 2012, the State filed an information charging the defendant with
18 Assault in the Second Degree – DV (with an aggravator), Felony Harassment – DV, and
19 Interfering with the Reporting of Domestic Violence – DV based on an incident alleged to
20 have occurred on December 12, 2011. A warrant was issued in conjunction with the filing
21 of the charges. On January 13, 2014, the Pierce County Prosecutor's Office received the
22 defendant's request for a final disposition dated January 9, 2014. The State then started
23 our Interstate Agreement on Detainers (IAD) process on February 3, 2014, which included
24 creating necessary and required forms, having them approved and signed by transport
25

1 officers and a Judge, and then forwarding those forms onto the Agreement Administrator
2 with the Washington State Department of Corrections. The documents were completed by
3 the Pierce County Prosecutor's Office and sent out on February 14, 2014. The Department
4 of Corrections and the Governor's Office then needed to complete their part of the IAD
5 process and forward the paperwork to the appropriate officials in the State of Wyoming. In
6 early May, the Pierce County Prosecutor's Office followed up with our Governor's office
7 regarding Mr. Martin's IAD request and found that the forms had not been sent to
8 Wyoming as of that date. They were then sent on May 5, 2014. Pierce County Sherriff's
9 Deputies then travelled to Wyoming and transported the defendant here. He was booked
10 into the Pierce County Jail on May 6, 2014 and was arraigned on May 7, 2014. At
11 arraignment, the trial date was set for June 30, 2014. The Department of Assigned
12 Counsel was appointed to represent the defendant and Mark Quigley became the attorney
13 of record.

14 On June 12, 2014, the trial date of June 30, 2014 was continued to September 18,
15 2014. The defendant refused to sign the continuance; however, the continuance was
16 requested by defense counsel in order to investigate and prepare the case. The State agreed
17 and also noted that we had just received certified copies of the defendant's priors. The
18 Honorable Judge Cuthbertson continued the case. The State filed a Persistent Offender
19 Notice (Third Conviction) on August 5, 2014. F

20 On September 2, 2014, the trial date of September 18, 2014 was continued to
21 January 29, 2015. The defendant again refused to sign the order continuing trial; however,
22 defense counsel requested the continuance, which the State agreed to, as he needed
23 additional time to prepare and investigate the three strikes allegation. It was also noted that
24 additional time to prepare and investigate the three strikes allegation.
25

1 the State and defense were seeking certified copies of prior convictions. The Honorable
2 Judge Cuthbertson granted the continuance.

3 On January 13, 2015, the defendant filed a motion to proceed pro se. On January
4 29, 2015, the day of trial, the defendant's motion was heard and granted by the Honorable
5 Judge Costello. Trial was set for February 19, 2015 over the defendant's objection, as the
6 victim's interview had been set for February 2, 2015. On February 4, 2015, the State noted
7 a motion to continue trial date for February 12, 2015. On that date, the State filed a
8 Motion to Supplement Record of Defendant's Right to Pro Se Representation and asked
9 that the motion be set before the Honorable Judge Costello on the first day after he
10 returned from recess and that the trial date be briefly set over. The Honorable Judge
11 Tollefson granted the State's motion to continue over the defendant's objection and set a
12 motion for February 20, 2015 with a new trial date of February 26, 2015. The defendant
13 stated that he had motions that he also wanted heard by the court that he had mailed to the
14 clerk and the State, but neither had received any. The State made copies of defendant's
15 motions and the originals were filed. Judge Tollefson instructed the State to be ready to
16 address the defendant's motions on February 20, 2014.
17

18 II. LAW AND ARGUMENT

19 Under the IAD, when Washington has charges pending against a prisoner
20 incarcerated in another jurisdiction, it may ask that jurisdiction not to release the prisoner
21 before his Washington charges are resolved. RCW 9.100.010, Art. III(a). After
22 Washington files its detainer, the prisoner may demand that Washington bring him to trial
23 within 180 days. RCW 9.100.010, Art. III(a). This period begins to run when the
24 prisoner's demand has actually been delivered to the court and the prosecuting attorney
25

who filed the detainer. *Fex v. Michigan*, 507 U.S. 43, 52, 113 S.Ct. 1085, 122 L.Ed.2d 406

(1993). While the IAD does state that the defendant shall be brought to trial within 180

days after the demand has been filed, it also allows for reasonable and necessary

continuances:

"Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint: PROVIDED, That for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance." RCW 9.100.010, Art. III(a).

Further, Article IV(c) states, "[i]n respect of any proceeding made possible by this Article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance." RCW 9.100.010.

In this case, the defendant was brought to Washington and trial was set to commence prior to the 180 days required by IAD. The defendant was arraigned 114 days after the prosecutor's office received his request. 180 days from the date that we received the demand was July 12, 2014. At arraignment, the court set the trial for June 30, 2014, which was before the 180 day time limit was set to expire. Trial continuances were then requested by defense counsel, with the agreement of the State, based on the serious nature of the charges. The Court granted the continuances over the defendant's objections, as the

1 reasons for the continuances from defense counsel were necessary and reasonable based on
2 the nature of the case in order for counsel to be adequately prepared for trial. The State
3 exercised due diligence and good faith in bringing the defendant to Washington with
4 enough time to set a trial date before the 180 day time limit. The motions for continuance
5 of trial were initiated by defense counsel and were reasonable and necessary based on the
6 circumstances.

7 Even violation of the IAD's 180 day time limit does not required automatic
8 dismissal of the charges. *State v. Angelone*, 67 Wn.App. 555, 561, 837 P.2d 656 (1992).
9 Instead in each case the court considers the prosecutor's bad faith, if any, and the prejudice
10 to the defendant. *Id.* In this case, the Pierce County Prosecutor's Office did not act in bad
11 faith. The defendant's written demand was acted on in a timely manner and the necessary
12 paperwork from the prosecutor's office was sent shortly thereafter. The prosecutor's office
13 also took the initiative to follow up with the Governor's office to check on the defendant's
14 IAD paperwork. The defendant was transported from Wyoming and a trial date was set
15 before the 180 days expired.

16
17 The defendant further argues that based on the Washington Criminal Rules and
18 *State v. Anderson*, 121 Wn.2d 852, 855 P.2d 671 (1993) that the State has not exercised
19 good faith and due diligence in utilizing the IAD, and therefore, has violated the
20 defendant's time for trial rights. *Anderson* is no longer good law as it was superseded by
21 rule, as stated in *State v. George*, 160 Wn.2d 727, 158 P. 3d 1169 (2007). Nevertheless,
22 the facts of that case are clearly distinguishable from the defendant's case as the State in
23 *Anderson* had not filed a detainer in order for the defendant to utilize the IAD process. In
24 that case, the court was focused on whether the State had acted in good faith and with due
25

1 diligence when the State had made no effort to obtain the defendant's presence for trial.

2 *Anderson* at 865.

3 Under the most current version of CrR 3.3, which took effect on September 1,
4 2003, the 60 or 90 day speedy trial period initially commences on the arraignment date.
5 Speedy trial in this case did not commence until the initial commencement date, i.e., the
6 arraignment on May 7, 2014. Since then continuances have been granted, over the
7 defendant's objection, but based on motion of defense counsel, and after being heard by
8 the court, on the record. The defendant's speedy trial rights have not been violated.

9
10 **III. CONCLUSION**

11 The State respectfully requests the Court deny the defendant's motion to dismiss.

12 RESPECTFULLY SUBMITTED this 19th day of February, 2015.

13 MARK LINDQUIST
14 Prosecuting Attorney

15 By: 

16 SUSAN KAVANAUGH
17 Deputy Prosecuting Attorney
18 WSB # 37802

Chh

Pierce County Superior Court Criminal Case 12-1-00649-2

Defendant: **ARTURO SPENCER MARTIN**

Access: Public

Jurisdiction: SUPERIOR CT - PIERCE CTY

Attorneys

| Type | Name | Firm | Role |
|------|-----------------|--|--------------|
| Pros | Susan Kavanaugh | Prosecuting Attorney | LEAD COUNSEL |
| Defe | MARK T. QUIGLEY | Pierce County Dept of Assigned Counsel | LEAD COUNSEL |

Charges

| Count | Type | Description | RCW | Disposition | Sentence Date |
|-------|----------|---|----------------------------|-------------|---------------|
| 1 | Original | ASSAULT IN THE SECOND DEGREE | , 9A.36.021(1)(a) | | |
| 2 | Original | FELONY HARASSMENT | , 9A.46.020(1)(a)(i), 2(b) | | |
| 3 | Original | INTERFERING WITH THE REPORTING OF DOMESTIC VIOLENCE | , 9A.36.150(1)(3) | | |

Filings

| Filing Date | Filing | Access | Pages | Microfilm |
|-------------|--|--------------|-------|-----------|
| 02/23/2012 | INFORMATION | Public | 3 | |
| 02/23/2012 | AFFIDAVIT/DETERMINATION FOR PROBABLE CAUSE | Public | 2 | |
| 02/24/2012 | ORDER DIRECTING ISSUANCE OF BENCH WARRANT | Public | 1 | |
| 02/24/2012 | BENCH WARRANT | Public | 1 | |
| 05/07/2014 | LAW ENFORCEMENT INFORMATION SHEET | Sealed | 1 | |
| 05/07/2014 | CLERK'S MINUTE ENTRY AS TO DOB | Public | 1 | |
| 05/07/2014 | PRE-TRIAL ELIGIBLTY REPORT | Sealed | 3 | |
| 05/07/2014 | ORDER ESTABLISHING CONDITIONS OF RELEASE | Public | 2 | |
| 05/07/2014 | ORDER PROHIBITING CONTACT PENDING DISP | Public | 2 | |
| 05/07/2014 | ORDER FOR HEARING | Public | 1 | |
| 05/08/2014 | NOTICE OF APPEARANCE | Public | 1 | |
| 05/13/2014 | RECEIPT OF DISCOVERY | Public | 1 | |
| 05/14/2014 | RECEIPT OF DISCOVERY | Public | 1 | |
| 05/22/2014 | RESTITUTION INFORMATION | Confidential | 3 | |
| 05/27/2014 | ORDER FOR HEARING | Public | 1 | |
| 06/12/2014 | ORDER FOR CONTINUANCE OF TRIAL DATE | Public | 1 | |
| 06/17/2014 | LETTER FROM ADMINISTRATION | Public | 4 | |
| 06/25/2014 | MOTION RE: CONFICT OF COUNSEL | Public | 2 | |
| 07/24/2014 | RECEIPT OF DISCOVERY | Public | 1 | |
| 07/29/2014 | ORDER FOR HEARING | Public | 1 | |
| 07/31/2014 | SHERIFF'S RETURN ON BW | Public | 1 | |
| 08/01/2014 | ORDER FOR HEARING | Public | 1 | |
| 08/05/2014 | PERSISTENT OFFENDER NOTICE (THIRD CONVICTION) | Public | 1 | |
| 08/12/2014 | CLERK'S MINUTE ENTRY | Public | 2 | |
| 08/12/2014 | ORDER FOR HEARING | Public | 1 | |
| 09/02/2014 | RETURN ON SUBPOENA | Public | 1 | |
| 09/02/2014 | STATE'S LIST OF WITNESSES | Public | 2 | |
| 09/03/2014 | RETURN ON SUBPOENA FORD 2 | Public | 2 | |
| 09/03/2014 | ORDER FOR CONTINUANCE OF TRIAL DATE | Public | 1 | |
| 09/04/2014 | STATE'S LIST OF WITNESSES | Public | 2 | |
| 09/05/2014 | RETURN ON SUBPOENA | Public | 1 | |
| 09/05/2014 | RETURN ON SUBPOENA 3 | Public | 3 | |
| 09/09/2014 | RECEIPT OF DISCOVERY | Public | 1 | |
| 09/11/2014 | RETURN ON SUBPOENA - 4 | Public | 4 | |
| 09/15/2014 | LETTER FROM SUPERIOR COURT ADMINISTRATION | Public | 2 | |
| 09/16/2014 | RETURN ON SUBPOENA - BOSELEY | Public | 1 | |
| 09/18/2014 | AFFIDAVIT/DECLARATION OF SERVICE | Public | 1 | |
| 09/18/2014 | AFFIDAVIT/DECLARATION OF SERVICE | Public | 1 | |
| 09/18/2014 | AFFIDAVIT/DECLARATION OF SERVICE | Public | 1 | |
| 09/19/2014 | RECEIPT OF DISCOVERY | Public | 1 | |
| 09/23/2014 | RETURN ON SUBPOENA - JACOBS | Public | 1 | |
| 10/09/2014 | LETTER - ADMIN | Public | 1 | |
| 10/09/2014 | MOTION - NEW COUNSEL | Public | 5 | |
| 10/21/2014 | OMNIBUS ORDER | Public | 3 | |
| 11/14/2014 | MOTION OF NOTICE OF APPEARANCE IN CAPICITY OF CO-COUNSEL | Public | 1 | |
| 11/14/2014 | MOTION OF NOTICE OF APPEARANCE IN CAPACITY OF CO-COUNSEL | Public | 1 | |

| | | | |
|------------|--|--------|----|
| 11/14/2014 | MOTION OF NOTICE OF APPEARANCE IN CAPICITY OF CO-COUNSEL | Public | 1 |
| 01/07/2015 | AFFIDAVIT/DECLARATION IN SUPPORT | Public | 3 |
| 01/13/2015 | REQUEST FOR MOTION HEARING | Public | 1 |
| 01/13/2015 | AFFIDAVIT/DECLARATION IN SUPPORT OF MOTION | Public | 1 |
| 01/20/2015 | RECEIPT OF DISCOVERY | Public | 1 |
| 01/23/2015 | RETURN ON SUBPOENA, <u>JACOBS</u> | Public | 1 |
| 01/29/2015 | ORDER FOR CONTINUANCE OF TRIAL DATE | Public | 1 |
| 01/30/2015 | RETURN ON SUBPOENA | Public | 1 |
| 01/30/2015 | STATE'S LIST OF WITNESSES | Public | 2 |
| 02/03/2015 | RETURN ON SUBPOENA 8 | Public | 8 |
| 02/04/2015 | ORDER FOR HEARING | Public | 1 |
| 02/06/2015 | STATE'S LIST OF WITNESSES | Public | 1 |
| 02/10/2015 | RETURN ON SUBPOENA YUHASZ, MD | Public | 1 |
| 02/12/2015 | CLERK'S MINUTE ENTRY | Public | 2 |
| 02/12/2015 | STATE'S MOTION TO SUPPLEMENT RECORD OF DEFENDANT'S | Public | 26 |
| 02/12/2015 | <u>MOTION TO DISMISS</u> | Public | 5 |
| 02/12/2015 | AFFIDAVIT/DECLARATION IN SUPPORT | Public | 2 |
| 02/12/2015 | AFFIDAVIT/DECLARATION IN SUPPORT | Public | 2 |
| 02/12/2015 | AFFIDAVIT/DECLARATION IN SUPPORT | Public | 2 |
| 02/12/2015 | ORDER FOR CONTINUANCE OF TRIAL DATE | Public | 1 |
| 02/20/2015 | CLERK'S MINUTE ENTRY | Public | 3 |
| 02/20/2015 | STATES RESPONSE | Public | 20 |
| 02/20/2015 | ORDER FOR HEARING | Public | 1 |
| 02/23/2015 | AFFIDAVIT/DECLARATION IN SUPPORT | Public | 14 |
| 02/23/2015 | AFFIDAVIT/DECLARATION IN SUPPORT | Public | 1 |
| 02/23/2015 | ORDER FOR HEARING | Public | 1 |
| 02/25/2015 | CLERK'S MINUTE ENTRY | Public | 2 |
| 02/25/2015 | NOTE OF ISSUE | Public | 1 |
| 02/25/2015 | AFFIDAVIT/DECLARATION IN SUPPORT | Public | 11 |
| 02/26/2015 | <u>ATTACHMENT RE: INTERSTATE DETAINER MOTION</u> | Public | 15 |
| 02/26/2015 | ORDER FOR CONTINUANCE OF TRIAL DATE | Public | 1 |
| 03/03/2015 | RETURN ON SUBPOENA | Public | 1 |
| 03/05/2015 | STATE'S LIST OF WITNESSES | Public | 2 |
| 03/06/2015 | RETURN ON SUBPOENA, TIFFANY 11 | Public | 11 |
| 03/06/2015 | RETURN ON SUBPOENA, <u>JACOBS</u> | Public | 1 |



PURCHASE COPIES

Proceedings

| Date | Judge | Dept | Type | Outcome |
|---------------------|------------------------------------|------|--------------------------------|----------------------|
| 02/23/2012 09:00 AM | CRIMINAL DIVISION 1 | CD1 | CASE ISSUED - BW | BENCH WARRANT SERVED |
| 05/07/2014 01:30 PM | CRIMINAL DIVISION 2 | CD2 | ARRAIGNMENT - BENCH WARRANT | ARRAIGNED |
| 05/27/2014 01:00 PM | CRIMINAL DIVISION 2 | CD2 | PRE-TRIAL CONFERENCE | HELD |
| 06/12/2014 01:30 PM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | OMNIBUS HEARING | CONTINUED |
| 06/12/2014 01:30 PM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | CONTINUANCE | HELD |
| 06/30/2014 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | JURY TRIAL | CONTINUED |
| 07/29/2014 01:00 PM | CRIMINAL DIVISION 2 | CD2 | PRE-TRIAL CONFERENCE | CONTINUED |
| 08/05/2014 08:30 AM | CRIMINAL DIVISION 2 | CD2 | PRE-TRIAL CONFERENCE | HELD |
| 08/05/2014 08:45 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | OMNIBUS HEARING | CONTINUED |
| 08/05/2014 01:00 PM | CRIMINAL DIVISION 2 | CD2 | PRE-TRIAL CONFERENCE | CONTINUED |
| 08/12/2014 08:45 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | OMNIBUS HEARING | CONTINUED |
| 08/12/2014 09:00 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | MOTION-WITHDRAWAL/SUBSTITUTION | HELD |
| 09/03/2014 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | CONTINUANCE | HELD |
| 09/03/2014 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | OMNIBUS HEARING | CONTINUED |
| 09/18/2014 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | JURY TRIAL | CONTINUED |
| 10/21/2014 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | OMNIBUS HEARING | HELD |
| 01/29/2015 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | JURY TRIAL | CONTINUED |
| 02/12/2015 01:30 PM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | CONTINUANCE | HELD |
| 02/19/2015 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | JURY TRIAL | CONTINUED |
| 02/20/2015 08:45 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ | MOTION (NOT CONTINUANCE) | HELD |

| | | | |
|---------------------|------------------------------------|-------------------------------------|-----------|
| 02/20/2015 08:45 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ MOTION-DISMISSAL | HELD |
| 02/23/2015 01:30 PM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ MOTION (NOT CONTINUANCE) | HELD |
| 02/25/2015 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ MOTION-WITHDRAWAL/SUBSTITUTION | HELD |
| 02/25/2015 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ MOTION (NOT CONTINUANCE) | HELD |
| 02/25/2015 09:00 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ JURY TRIAL | CONTINUED |
| 02/26/2015 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ JURY TRIAL | CONTINUED |
| 04/09/2015 08:30 AM | CRIMINAL DIVISION- PRESIDING JUDGE | CDPJ JURY TRIAL | |

Incidents

| | | |
|-----------------|------------------------|--------------|
| Incident Number | Law Enforcement Agency | Offense Date |
| 113461040 | PIERCE COUNTY SHERIFF | 12/12/2011 |

Superior Court Co-Defendants

| | |
|--------------|-----------|
| Cause Number | Defendant |
|--------------|-----------|

Judgments

| Cause # | Status | Signed | Effective | Filed |
|---------|--------|--------|-----------|-------|
|---------|--------|--------|-----------|-------|

- Hearing and location information displayed in this calendar is subject to change without notice. Any changes to this information after the creation date and time may not display in current version.
- Confidential cases and Juvenile Offender proceeding information is not displayed on this calendar. Confidential case types are: Adoption, Paternity, Involuntary Commitment, Dependency, and Truancy.
- The names provided in this calendar cannot be associated with any particular individuals without individual case research.
- Neither the court nor clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Created: Thursday April 2, 2015 11:09AM

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